

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
TERRY GRAY,

Plaintiff,

-against-

JACOBI MEDICAL CENTER,

Defendant.
----- x

ANSWER

07 CIV 11000 (SAS)

Defendant by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, for their Answer to the Complaint, respectfully allege as follows:

1. Denies the allegations set forth in paragraph "1" of the complaint, except admits that plaintiff purports to proceed as set forth therein.

2. Denies the allegations set forth in paragraph "2" of the complaint, except admits that plaintiff purports to proceed as set forth therein.

3. Denies the allegations set forth in paragraph "3" of the complaint.

4. Denies the allegations set forth in paragraph "4" of the complaint, except admits that plaintiff purports to invoke the jurisdiction of this court as set forth therein.

5. Denies the allegations set forth in paragraph "5" of the complaint, except admits that plaintiff purports to invoke the venue of this court as set forth therein.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "6" of the complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "7" of the complaint, except admits that plaintiff is female.

8. Denies the allegations set forth in paragraph "8" of the complaint.

9. In response to the allegations set forth in paragraph "9" of the complaint, defendant repeats and realleges the responses set forth in paragraphs "1" through "8" of its answer as if fully set forth herein.

10. Admits the allegations set forth in paragraph "10" of the complaint.

11. Denies the allegations set forth in paragraph "11" of the complaint.

12. Denies the allegations set forth in paragraph "12" of the complaint, except admits that plaintiff was out on medical leave from on or about March 1, 2007 until on or about March 12, 2007.

13. Denies the allegations set forth in paragraph "13" of the complaint.

14. Denies the allegations set forth in paragraph "14" of the complaint.

15. Denies the allegations set forth in paragraph "15" of the complaint.

16. Denies the allegations set forth in paragraph "16" of the complaint.

17. Denies the allegations set forth in paragraph "17" of the complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "18" of the complaint, except admits that plaintiff was out on leave from on or about March 1, 2007 until on or about March 12, 2007.

19. Denies the allegations set forth in paragraph "19" of the complaint, except admits that plaintiff was given an unsatisfactory rating in March 2007.

20. Denies the allegations set forth in paragraph "20" of the complaint.

21. Admits the allegations set forth in paragraph "21" of the complaint.

22. Denies the allegations set forth in paragraph "22" of the complaint.

23. Denies the allegations set forth in paragraph "23" of the complaint, except admits that plaintiff's base salary was \$59,344 (fifty nine thousand three hundred forty four dollars) per annum.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "24" of the complaint.

25. In response to the allegations set forth in paragraph "25" of the complaint, defendant repeats and realleges the responses set forth in paragraphs "1" through "24" of its answer as if fully set forth herein.

26. Denies the allegations set forth in paragraph "26" of the complaint.

27. Denies the allegations set forth in paragraph "27" of the complaint.

28. In response to the allegations set forth in paragraph "28" of the complaint, defendant repeats and realleges the responses set forth in paragraphs "1" through "27" of its answer as if fully set forth herein.

29. Denies the allegations set forth in paragraph "29" of the complaint.

30. Denies the allegations set forth in paragraph "30" of the complaint.

31. In response to the allegations set forth in paragraph "31" of the complaint, defendant repeats and realleges the responses set forth in paragraphs "1" through "30" of its answer as if fully set forth herein.

32. Denies the allegations set forth in paragraph "32" of the complaint.

33. Denies the allegations set forth in paragraph "33" of the complaint.

34. In response to the allegations set forth in paragraph "34" of the complaint, defendant repeats and realleges the responses set forth in paragraphs "1" through "33" of its answer as if fully set forth herein.

35. Denies the allegations set forth in paragraph "35" of the complaint.

36. Denies the allegations set forth in paragraph "36" of the complaint.

FOR A FIRST DEFENSE:

37. The complaint fails to state a claim upon which relief can be granted.

FOR A SECOND DEFENSE:

38. Plaintiff's claims that accrued more than three hundred days before plaintiff filed a charge of discrimination with the EEOC are time barred.

FOR A THIRD DEFENSE:

40. Defendant's determinations and actions concerning plaintiff were based on legitimate non-discriminatory business reasons.

FOR A FOURTH DEFENSE:

41. In the event that plaintiff was issued a Right to Sue Letter by the EEOC relating to the claims alleged in the complaint in this judicial action, to the extent that plaintiff did not file this action within ninety days of the receipt of that Right to Sue Letter the action is time barred.

FOR A FIFTH DEFENSE:

42. Jacobi Medical Center is a non-suable entity.

FOR A SIXTH DEFENSE:

43. Plaintiff's claim for front and/or back pay are barred by her failure to mitigate damages.

FOR A SEVENTH DEFENSE:

44. Plaintiff unreasonably failed to take advantage of the preventive and corrective opportunities provided by defendant or to otherwise avoid harm.

WHEREFORE, defendant requests judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
February 19, 2008

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